

SUES M'CURDY FOR \$3,370,000.

Mutual Life Charges Him With Unfaithfulness and Neglect.

ALL WASTE PUT UP TO HIM.

Held for Campaign Payments and Expenditures Under Yellow Dog Fund.

The former president also asked to make restitution of the "Unauthorized" increase of his salary, the "Exorbitant" profits and certain gratuities that went to Son-in-law Thebaud, Agency firm and the commissions on Robert Got Out of the Company's Foreign Business—all of which, it's alleged, care would have stopped.

The complaint in the Mutual Life Insurance Company's suit against Richard A. McCurdy was served yesterday on the defendant's counsel, Dr. Lancy Nicol, of Nicoll, Anable & Lindsay.

The Mutual seeks to recover from its former president \$3,370,000, with interest, as damages for his "unfaithfulness and neglect." Mr. McCurdy is held personally responsible for practically all the waste that has been uncovered in the Mutual. If he did not know of the extraordinary expenditures made he was, the company alleges, negligent in the discharge of his duties and therefore liable.

The complaint served yesterday is only one of eight that will be served in actions begun by the company against the former president, his son, Robert H. McCurdy, and the members of the metropolitan agency firm of C. H. Raymond & Co., who include ex-President McCurdy's son-in-law, Louis A. Thebaud.

The complaint served yesterday contains nine separate causes of action. Under the first five recovery is sought in the aggregate of \$230,500 as alleged contributions to political parties since January 1, 1885. These contributions are said to have been \$15,000 in 1890, \$35,000 in 1900 and \$40,000 in 1904 to the Republican national committee; \$2,500 in 1904 to the Republican Congressional committee, and \$200,000, embracing the various contributions which Senator Platt testified before the Armstrong committee had been made by the Mutual to the Republican State committee since January 1, 1885.

President McCurdy testified before the Armstrong committee that the Mutual had never contributed to the State campaigns. In connection with each of these five causes of action it is alleged:

That the said payments were unlawful, impropriate and a waste of the assets of the plaintiff, and were made, authorized or permitted by the defendant through want of faithfulness and ordinary care, vigilance and diligence in the discharge of his aforesaid duties to the plaintiff; that the said payments were made without authority or authorization by the plaintiff, were not for any of its corporate purposes and were beyond the lawful powers of the plaintiff as a corporation, and could be defendant neglected to establish proper and adequate rules and regulations to prevent the said payments and the contribution of the plaintiff's moneys to political parties.

The sixth cause of action seeks to recover from Mr. McCurdy \$225,000, representing the total of the \$50,000 alleged increase in annual salary drawn by him since June 1, 1901. It is alleged that the increase from \$100,000 to \$150,000 was made without authority.

Under the seventh cause the recovery is sought of \$600,000, the aggregate amount paid out by the plaintiff in the last six years on the voucher of the committee on expenditures under circumstances detailed in the testimony before the Armstrong committee. These are the payments of \$25,000 quarterly which the Mutual made on the order of Robert Oliphant, chairman of the committee on expenditures.

The Armstrong committee was never able to find out what became of the money. Mr. Oliphant testified that he paid it over to the law department of the company. In regard to this the complaint alleges:

That during the said period the maintenance and expenses of the said "Confidential fund" and the use made of the moneys constituting the said "fund" were known by him, the defendant, or could or should have been known by him by the exercise of the care and faithfulness in the discharge of his aforesaid duties to the plaintiff; that nevertheless, through want of ordinary care, vigilance, diligence and faithfulness in the discharge of his said duties, the defendant neglected, authorized or permitted the said "fund" to be maintained and the moneys constituting the same to be expended as aforesaid, and that the defendant neglected to establish proper and adequate rules and regulations to prevent the maintenance of the said "fund" and the making of the said expenditures.

The eighth cause of action charges the defendant with a loss to the plaintiff of \$1,250,000 through imprudence and want of faithfulness and diligence in employing a firm of Charles H. Raymond & Co., as the general agents of the Mutual in the metropolitan district and in continuing and even increasing the rates of commissions paid to the firm after it had become apparent that they were making exorbitant profits at the expense of the plaintiff.

The complaint alleges that Louis A. Thebaud, the son-in-law of the defendant, was taken into the Raymond firm in 1893 as the successor to Robert H. McCurdy, the defendant's son, who had been appointed superintendent of the Mutual's foreign department by President McCurdy; that prior to entering the partnership Thebaud had been employed as a clerk in the office of the Mutual's general agent for New Jersey, and that upon entering

THE VOLLEY OF SEWER BLOWUPS.

MANHOLES SAIL SKYWARD—RAIN OF BROKEN GLASS.

Dozens of Panes on the Upper West Side in the Explosion Belt—Trenchment House Floor in Waves—Snow and Tide to Blame for Volume of Gas in Sewer.

The manhole covers of the sewers in a district bounded by Ninth Avenue, North River, Fifty-first and Fifty-third streets were blown off at 4 o'clock yesterday afternoon by an explosion that sounded like a fire in a dynamite factory. The explosion shattered all the covers, broke nearly all the glass in the upper stories in the affected district, scorched the hair off a horse, chewed up several pedestrians with flying glass and made a series of little panes in the tenebrous house district. A high tide, a frost and a few leaks in the illuminating gas mains formed the combination of causes behind it.

There is something the matter with the sewer system in that district of the city anyway. The explosion of manhole covers has been all too frequent of late. There was an unusually high tide yesterday. The outlets to the river were backed up by the water, and owing to the snow in the streets the vents in the manhole covers, which usually let off superfluous gas, were choked up.

Sewer gas is not inflammable, but a diaphanous domestic coal gas is. The gas mains cross the sewers at the street corners, so that there is usually a leakage of illuminating gas into the sewers. Yesterday, owing to the high tide and the stoppage of the manhole vents, there was an underground primed and ready. The spark that set it off may have come from a cigarette, from an unguarded electric light wire or from the snow ploughs which were at work cleaning the streets. At any rate, the whole business blew up at five minutes past 4.

The ignition must have taken place somewhere in the neighborhood of Fifty-first and Ninth avenues, for this was the place where the explosion was the heaviest. There are six manhole covers strung along Ninth avenue in the course of two blocks. A gang of 150 Italian workmen and teamsters were at work there cleaning the street.

All of a sudden every manhole cover went up until it struck the elevated structure, and out of the holes jumped geysers of fire. The explosion was strong enough to knock people down in the street and to break nearly every window in the surrounding buildings above the ground floor.

The American base of the Italians was dropped into a sitting posture on the sidewalk. When he had arisen and fortified his nerves with a glass of whiskey he looked about for his men. They were not there. They had not returned up to quitting time. It is not known if any of them was hurt, but certainly none of them was hurt badly enough to hamper his running.

The explosion travelled along Fifty-first street to the river and sent side trails up Tenth and Eleventh avenues. Nearer to the river its force was slightly spent. It took off every cover but one and broke two out of three windows all the way along. Everywhere was the same story—up went the manhole covers, out went the windows, and a pillar of flame shot up to the level of the second story.

A load of snow was making its way toward Broadway from the river on Fifty-first street and a delivery wagon, driven by Martin Roane, was travelling in the opposite direction. They turned out for each other, and between them was a manhole cover. Just then up went the cover. The pillar of flame caught the high horse of the snow wagon, scorching off his mane and tail so that he looked like a Mexican hairless horse, but doing no further damage to him.

It caught also the ear of Roane's horse, who plunged and bucked his driver out. Roane fell on a pile of broken glass. He was pretty badly cut. The horse added to the confusion on Fifty-first street by running away in opposite directions.

Miss Rose Kearns was going along Ninth avenue when a bucketful of glass from a broken upstairs window came down on her, cutting her face and wrists. In fact when the surgeons dashed with the ambulances from Roosevelt Hospital they found a dozen people with cuts from the flying glass. As every one was taught in school, the broken glass broken by explosion always falls outward, owing to the air pad within. Ninth avenue and Fifty-first street were so thickly strewn with broken glass last night that walking, except with the thickest shoes, was dangerous.

Only one cover along Fifty-first street failed to blow up, and at that point the explosion did a peculiar trick. Mrs. Margaret Hayes lives in the basement at 551. A basement house visitor had called to see her she was getting along, and in the crib in the corner her baby Martin was asleep. Mrs. Hayes gave the visitor a seat in the company rocking chair.

"And how are we doing to-day?" the visitor was saying, when her rocking chair was blown out from under her and into the crib with the baby. Mrs. Hayes, with a mother's instinct, grabbed the boy and pushed him out into the hall with it. The visitor screamed and fainted, and just then there came a second explosion which blew the floor of the basement into forty different curves and waves. This house is owned by a policeman. Up to 6 o'clock this feature of the explosion had not been reported to the West Forty-seventh street police station. It is supposed that the manhole cover at that point was frozen down so tightly that it could not be removed, and gas sought its weakest outlet, which happened to be under Mrs. Hayes's floor.

The explosion played the queer tricks common with explosions. In the block of Ninth avenue between Fifty-first street and Fifty-second streets it broke every window above the first story in every house but one. In this one house not a window was broken. On the other hand, it spared the ground floor windows in every building but two. The whole front of a cigar and candy store at 768 was blown in, and the laundry next door lost one plate glass window.

There was a wild call for glaziers all along the street, since it was a cold evening, but the glaziers could not work fast enough, and the houses all along the line showed a row of windows stuffed with mattresses, feather beds and quilts.

This is the third manhole explosion in that district this winter. The first occurred on election day, the second on February 9.

After all, Usher's the Scotch that made the highest famous—Ad.

EXPECT REBATE INDICTMENTS.

Grand Jury Hears Further the Case Against Sugar Company and Railroads.

Several new witnesses appeared before the Federal Grand Jury yesterday in the investigation of the alleged rebating between the trunk lines and the American Sugar Company.

It is understood that enough evidence has already been given to insure the indictment of several of the leading officers of the American Sugar Company, as well as some prominent railroad men. Indictments will be handed down, it is believed, in about ten days.

Cashier Boardman of the New York Central fast freight lines, with headquarters at Buffalo, was closeted with the Grand Jury yesterday. His testimony followed that of W. F. Wilson, general manager of the same lines, who appeared on Wednesday and told about the arrangements whereby the Central took care of the sugar company and in return got its full share of the enormous through westbound freight of the trust.

This stage of the investigation is regarded as especially important, as the Federal attorneys have considered from the beginning that the strongest case against any of the railroads was that against the Central.

Another new witness was J. F. Borden, general superintendent of the refining plant of the American Sugar Company in Brooklyn. Yesterday's unusually long session of the Grand Jury was practically all devoted to the testimony of these men, with that of H. T. Leeming, general traffic manager for the Thomas A. Edison Companies at Orange, N. J., formerly a traffic manager for the sugar refinery. B. M. Parker, its present traffic manager, was before the body with half a dozen files of documents bearing on the alleged rebating arrangements.

DENIAL FROM JUDGE PARKER.

Didn't Speak of Roosevelt and McEllan as Rival Candidates.

Ex-Judge Alton B. Parker yesterday gave out the following statement: "An alleged conversation between a man from Maine and the President on the subject of a third term reports the latter, according to the Herald, as having said that I should be a good nomination for an impossible. This has been brought to my attention, with the suggestion that it is intended as an answer to an alleged interview or speech by me while in the South, expressing a different view.

"I do not believe, however, that it was so intended, because it is so much more temperate than his last reply to a statement of mine. But, be that as it may, the fact is that neither in speech nor interview did I at Birmingham or elsewhere make any statement on the subject.

"Nor did I at Jackson or elsewhere suggest Mayor McEllan for the Presidency. My friendship for him would not permit me to make such a suggestion at this time, in view of his well known and often expressed determination not to be a candidate for another public office. The people may later come to the conclusion that determination, but I am sure he does not think so, and I would not wrong him by a suggestion that his friends are planning otherwise.

"Nor is it true, as reported, that Presiding Justice Morgan J. O'Brien was in the South while I was there. He was during that period and all of it with the court over which he presides."

STRUCK DOWN FROM BEHIND.

Police Captain Mannion Thinks Dying Man Is a Victim of Striking Ironworkers.

The negro porter at the 15th street station of the Third Avenue elevated road found a man yesterday morning lying unconscious on the steps leading downward. Apparently he had been struck on the back of the head with a heavy club and knocked senseless. His skull was fractured at the base.

The man was taken to Fordham Hospital, where Frank Reichert of 3404 Third Avenue identified him last night as Joseph Stark, a plasterer's helper, of 800 Melrose avenue. Stark has a wife and two children.

Coroner McDonald went to the hospital three times to get an ante-mortem statement, but the man did not recover consciousness. He will die, the doctors said last night.

Capt. Mannion of the Morrisania police station is of opinion that the injured man was a victim of the striking ironworkers who have been giving trouble to non-union men employed on the new power house that is being constructed at 14th street and the East River for the New York Central Railroad Company. He thinks the man may have been mistaken for a non-union iron man.

A dozen men were seen to enter the power house in the past two months, and one of the victims, Joseph Donahue, of 671 East 14th street, is still in Fordham Hospital in a dangerous condition. The man who slugged him was arrested, but jumped his bail.

Reichert said he didn't know where Stark was working. Dr. Ziegler of the hospital said the wound was not such as a fall would cause, and that it looked as if the man had been assaulted from behind with an iron bar.

METROPOLITAN BUYING HORSES.

That's Its Only Immediate Solution of East Side Traffic Problems.

President H. H. Vreeland of the Metropolitan system called yesterday upon Borough President Aborn to explain why his company had been unable to carry out the promises of immediate improvement in the street car service on the lower East Side of the city.

Mr. Vreeland told the Borough President that the only solution was to electrify the lines on which horse cars now run.

But Mr. Vreeland explained, it was impossible to determine upon any plans for such changes until the city had decided upon its schemes for the terminals and approaches for the new bridges over the East River. In the meantime, Mr. Vreeland said, his company was arranging for a better service of horse cars by a large purchase of horses in the West and that the animals were now being shipped to the city.

Mr. Aborn told Mr. Vreeland that he would not unduly press the company, but that unless the conditions he had complained of were not remedied within a reasonable time he would proceed to carry out his threat to cancel the franchises.

SEES ROOSEVELT ON MOROCCO.

FRENCH AMBASSADOR VISITS THE WHITE HOUSE WITH ROOT.

Belief in Washington That Settlement Is Near, but There Is Talk at Algiers of Another Hiccup—American Plan May Be Abandoned—Session on Monday.

WASHINGTON, March 23.—Advice received at the State Department from the Moroccan conference at Algiers indicates that an agreement will be reached between France and Germany at the next meeting.

M. Jusserand, the French Ambassador, President Roosevelt and Secretary of State Root had an extended conference at the White House late this afternoon. It could not be learned definitely what was discussed, but there is reason to believe that the conference was the main topic of conversation.

While officials of the Government here decline to admit it, it is certain that this Government has had a good deal to do with the recent debates of the conference at Algiers. At the State Department it is said that Mr. White, the head of the American mission, has made no proposals to the conference which might form a basis for settlement, but then there is a distinction made between proposals and suggestions which might have come from American sources.

RUMOR OF ANOTHER HICUP.

Drafting Committee Said to Have Abandoned American Plan.

Special Cable Despatches to THE SUN. LONDON, March 24.—The Telegraph says that the hitherto unknown seller of Lord Nelson's "General Memorandum" to his Captains at the Battle of Trafalgar is a London omnibus driver whose father was a servant of an unnamed Admiral, who gave him an old desk containing the historical document.

The driver who inherited the desk did not know the paper was valuable. He only learned that it was worth money through a chance conversation with a passenger on his omnibus. He has invested the \$18,000 which the document brought recently at an auction at Christie's, and continues driving the omnibus.

RUSSIA'S SLAUGHTER LIST.

Government Admits Killing of 14,150 During Last Year's Internal Disorder.

Special Cable Despatches to THE SUN. ST. PETERSBURG, March 23.—According to the newspapers the Government has received reports showing that 14,150 persons were killed and 19,524 wounded during the internal disorders last year. The newspapers assume that the casualties have been minimized by the officials.

FAREWELL TO HUSBAND.

Mrs. Andrew J. Clements Leaves an Affectionate and Hopeful Note.

Andrew J. Clements, a fireman on the Pennsylvania Railroad ferryboat Washington of the Cortlandt street line, who lives at 120 Coles street, Jersey City, found the following note from his wife when he reached home a few nights ago:

"The beans are in the oven and done, so you can eat them. Good-bye, sweetheart. From your loving wife. I shall always love you and I want you, dear Andrew, to always love me. I have gone to look out for myself now. I am to work, as I have a job already. CAMEL."

Mr. Clements said yesterday that he couldn't account for his wife's action in leaving him. He has been unable to get any trace of her whereabouts. He says he cares just as much for her now as he ever did.

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Arthur Upson Leaps Over Bridge Rail—Is Hall Caine's Protege.

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A bridge watchman saw him leap hurriedly down and with the assistance of loggers with pike hooks fished him from the stream to a boom.

He is at the City Hospital, with slight chance for recovery.

When Upson left home he was in high spirits, as he had been for several weeks. A sudden recurrence of melancholia, from which he suffered two years ago, is the only explanation of his act known to his relatives.

BAROMETER READINGS A-PLenty.

Now the Newspapers and the Public May Have Them From Everywhere.

A change has come over the spirit of Prof. Willis L. Moore's guesses. He no longer thinks it unsafe to allow the public to learn from the newspapers the official readings of the barometer. In fact, the press and the public can have all the readings, not only locally, but at all the stations throughout the country.

Late on Thursday evening Chief Moore of the Weather Bureau modified his order so that the Tenth Street was to be allowed to get the local barometers by sending for them daily, but not by telephone. In accordance with this order a SUN reporter yesterday called on Mr. Emery, the forecaster for Manhattan, and asked for the 3 o'clock reading.

Mr. Emery said that it had just been telephoned to the SUN.

"Can I have it, too?" asked THE SUN man. "Certainly you can, and as often as you want, by telephone or any other way."

"Can we also have the readings at other stations?"

"Those readings are taken at 8 o'clock in the morning, and you can have those too."

"Why this change?" was asked.

Mr. Emery turned back into his room and had nothing to say.

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The professor has had his fun, the poets have had theirs, and now every one can have the readings of the barometer, not only in this city but all over the country.

WEALTHY WOMAN KILLED BY CAR.

Thrown Violently to Pavement and Picked Up Dead.

PITTSBURGH, March 23.—Miss Sophia Terheyden, one of the wealthiest women in this city, a sister of Henry Terheyden, the diamond merchant, was instantly killed this evening by a street car at Liberty avenue and Gross street. She was 56 years old.

Miss Terheyden failed to notice an approaching car. She was thrown with great force to the pavement and was dead when picked up.

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MILLION FOR MRS. HUNTINGTON.

Husband Gives Her Trust Income, but Bars Her Family From Participation.

SAN FRANCISCO, March 23.—Mrs. Huntington, who got a divorce from Henry E. Huntington yesterday, will receive \$400,000 a year, the income from a trust fund of \$1,000,000.

This is declared to be the basis of a settlement made before the suit was begun.

Mrs. Huntington is worth \$300,000 in her own right, and among other things owns the family residence in Jackson street.

If Mrs. Huntington dies before Huntington does, the trust lapses and the fund becomes his property again. By this arrangement he prevents the \$1,000,000 from going to any of his wife's blood relatives.

Huntington is determined that his former wife's mother, brother and her sister, Princess Hatzfeldt, of London, shall not enjoy any of his wealth.

He also allows two married daughters and a son \$1,000 a month each, and an unmarried daughter \$800 a month.

BUS DRIVER'S \$18,000 FIND.

He Had Famous Nelson Order for Many Years Without Knowing Its Value.

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WARRANT ASKED FOR PERKINS.

After Court Wouldn't Instruct the Grand Jury.

WOULD HIRE JUDGE PARKER.

To Help Prosecute the Insurance Officers for the Campaign Contributions.

First Phase of Criminal Inquiry Left in the Air by Judge O'Sullivan Putting Larceny Question Up to the Jurors to Decide for Themselves and Then Refusing to Sit as a Committing Magistrate—"Are Bliss and Cortelyou Receivers of Stolen Goods?" the District Attorney Asks Court—Jerome Won't Tell What His Next Step Will Be.

It was left to the discretion of the Grand Jury by Judge Thomas C. O'Sullivan in General Sessions yesterday to determine whether the officers of life insurance companies committed larceny when they made campaign contributions to political parties. District Attorney Jerome had advised the Grand Jury that in his opinion larceny had not been committed, and the Grand Jury had asked Judge O'Sullivan for his advice.

In substance Judge O'Sullivan said that it was the duty of the Grand Jury to decide from the evidence presented if there was a criminal intent on the part of the officers of the companies when they gave money to the political parties.

As the views of Judge O'Sullivan and Mr. Jerome differed radically, Mr. Jerome sprung a surprise. He asked Judge O'Sullivan to sit as a committing Magistrate and issue a warrant charging George W. Perkins, vice-president of the New York Life Insurance Company, with larceny.

Mr. Perkins testified before the Armstrong committee that he, as a representative of the New York Life, had contributed \$48,000 to Cornelius N. Bliss, then treasurer of the Republican national campaign committee. Mr. Jerome said that if George W. Perkins had committed a crime it ought to be decided one way or the other at once. It ought also to be decided, added Mr. Jerome, whether Mr. Bliss and George B. Cortelyou had received stolen goods.

Judge O'Sullivan said he couldn't see why the hypothetical questions presented by the Grand Jury had been asked of him at all. He pleaded stress of public work and suggested to Mr. Jerome that there were fourteen other Magistrates before whom the matter could be taken. He suggested Recorder Goff as a Judge of long experience and a good man to handle the question.

Mr. Jerome then asked Judge O'Sullivan point blank if he would consider the evidence and sit as a Magistrate. It was decided that Mr. Perkins had committed a crime he could be held for the Grand Jury. Then Mr. Perkins would employ the best lawyers in the country and the question could be finally settled by the Court of Appeals. "And I," said Mr. Jerome, "shall engage Alton B. Parker to represent the people." Judge Parker has been quoted recently as saying that crimes have been committed by insurance officials.

After a long argument the members of the Grand Jury found things left in the air. Judge O'Sullivan refused to act as a Magistrate unless the other Magistrates refused to act. As they